

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELECTRONIC FRONTIER
FOUNDATION,

Plaintiff,

v.

DEPARTMENT OF JUSTICE,

Defendant.

Case No. [15-cv-03186-MEJ](#)

**ORDER VACATING CMC
CASE MANAGEMENT ORDER**

Pursuant to Federal Rule of Civil Procedure 16, the Court issues the following Case Management Order. Failure to comply with this Order is cause for sanctions under Rule 16(f). The October 8, 2015 Case Management Conference is VACATED. All questions should be directed to Rose Maher, Courtroom Deputy, at (415) 522-4708.

SUMMARY OF CASE MANAGEMENT DEADLINES	
Defendant's draft <i>Vaughn</i> index due	12/10/2015
Defendant's MSJ, final <i>Vaughn</i> index, and supporting declarations due	2/18/2016
Plaintiff's Opposition/Cross MSJ and supporting declarations due	3/17/2016
Defendant's Opposition/Reply due	4/7/2016
Plaintiff's Reply due	4/21/2016
MSJ Hearing	5/5/2016 at 10:00 a.m.

PRETRIAL INSTRUCTIONS

A. ADR: As requested, there shall be no ADR referral at this time. However, if the parties are unable to informally resolve this case, the Court may consider such a referral at a later date.

B. Discovery: No discovery shall be conducted without leave of Court.

C. Summary Judgment Motions: All pretrial motions shall be filed in accordance with Civil Local Rule 7. The Court shall hear dispositive motions on May 5, 2016 at 10:00 a.m. in Courtroom B, located on the 15th Floor of the Federal Building, 450 Golden Gate Avenue, San Francisco, California.

All summary judgment motions shall comply with the following requirements for statements of facts:

(1) Separate Statement of Facts: Any party filing a motion for summary judgment must file a statement, separate from the motion and memorandum of law, setting forth each material fact on which the party relies in support of the motion. Each material fact in the separate statement must be set forth in a separately numbered paragraph and must refer to a specific admissible portion of the record where the fact finds support (for example, affidavit, deposition, discovery response, etc.). A failure to submit a separate statement of facts in this form may constitute grounds for denial of the motion.

(2) Controverting Statement of Facts: Any party opposing a motion for summary judgment must file a statement, separate from that party's memorandum of law, setting forth: (a) for each paragraph of the moving party's separate statement of facts, a correspondingly numbered paragraph indicating whether the party disputes the statement of fact set forth in that paragraph and a reference to the specific admissible portion of the record supporting the party's position if the fact is disputed; and (b) any additional facts that establish a genuine issue of material fact or otherwise preclude judgment in favor of the moving party. Each additional fact must be set forth in a separately numbered paragraph and must refer to a specific admissible portion of the record where the fact finds support.

(3) Reply Statement of Facts: If the party opposing summary judgment sets forth additional facts, the moving party shall file a statement, separate from the reply brief, with correspondingly numbered paragraphs indicating whether the party admits or disputes the statement of fact set forth in that paragraph and, if disputed, a reference to the specific admissible portion of the record supporting the party's position. Facts that are not already included in the motion and/or opposition are not permitted.

(4) Alternative Procedure: As an alternative to filing a statement of

1 facts and controverting statement of facts, the movant and the party
2 opposing the motion may jointly file a stipulation signed by the
3 parties setting forth a statement of the stipulated facts and the
4 following statement: "The parties agree there is no genuine issue of
any material fact." As to any stipulated facts, the parties so
stipulating may state that their stipulations are entered into only for
the purpose of the motion for summary judgment and are not
intended to be otherwise binding.

5 **IT IS SO ORDERED.**

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7 Dated: September 29, 2015

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11 MARIA-ELENA JAMES
12 United States Magistrate Judge
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